

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KABIR KARIM BEY,

Plaintiff,

v.

Case No. 11-C-1003

STATE OF WISCONSIN,

Defendant.

DECISION AND ORDER

Plaintiff brings a lawsuit styled as a petition for removal, although it relies on 42 U.S.C. § 1983, the civil rights statute. Plaintiff is a member of the Moorish Science Temple of America, an Islamic sect whose tenets allow members to operate as though they were governed by a private legal system. *See, e.g., United States v. James*, 328 F.3d 953 (7th Cir. 2003). This belief, unfortunately, leads to the kind of litigation that courts routinely deem frivolous. *See, e.g., Bey v. Ohio*, 2011 WL 5024188 (N.D.Ohio 2011) (dismissing case where plaintiff alleged state lacked power to charge him under treaty with Morocco); *El Ameen Bey v. Stumpf*, 2011 WL 4962326, *16 (D.N.J. 2011) (holding that “a litigant’s reliance on any Barbary Treaty, including on the Treaty with Morocco, for the purposes of a civil suit raising claims based on the events that occurred within what is the United States’ geographical territory is facially frivolous.”)

The present case/petition is apparently based on a criminal action recently filed against the Plaintiff in Winnebago County for criminal slander of title. Federal courts do not have the authority to “remove” state criminal proceedings. States are sovereign entities with the power to bring

criminal charges. Although federal courts may review state convictions through 28 U.S.C. § 2254, the habeas corpus statute, they do not have any power to intervene in active state proceedings, at least under the circumstances alleged here. Any defenses a state defendant might have under the federal constitution may be raised in state courts as well. All of the above remains true regardless of the nationality or religious beliefs of the defendant charged.

For these reasons, the complaint is dismissed as frivolous.¹

SO ORDERED this 27th day of October, 2011.

s/William C. Griesbach
William C. Griesbach
United States District Judge

¹District courts may dismiss frivolous complaints *sua sponte* even when the filing fee has been paid. *Dawson v. Newman*, 419 F.3d 656, 660 (7th Cir. 2005).